

SEPARATION OF POWERS CLINIC
COLUMBUS SCHOOL OF LAW
THE CATHOLIC UNIVERSITY OF AMERICA
WASHINGTON, DC

Via ECF
February 26, 2025

Judge Dale E. Ho
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States of America v. Adams* (1:24-cr-556-DEH)

Dear Judge Ho,

The Separation of Powers Clinic at The Catholic University of America's Columbus School of Law respectfully requests leave to file the attached amicus brief. The government and Defendant do not object to this relief. The Clinic has submitted numerous briefs at the Supreme Court and lower federal courts in cases implicating separation of powers, including on the scope and importance of the President's Article II powers. The Clinic's briefs have been cited in appellate court decisions and quoted by Justices during Supreme Court oral arguments.

This Court has ruled that amici may seek leave to file briefs addressing the issues pending before the Court, so long as they are filed by February 28, 2025. *See* ECF No. 136. The Clinic should be granted leave to file its proposed brief because it is both "timely and useful" to the Court. *Andersen v. Leavitt*, No. 03-CV-6115, 2007 WL 2343672, at *2 (E.D.N.Y. Aug. 13, 2007). The Clinic has no interest in this case beyond ensuring a proper understanding and respect for the separation of powers principles at stake. The Clinic thus embodies the "primary role of [an] amicus," which is to "assist the Court in reaching the right decision in a case affected with the interest of the general public." *Russell v. Bd. of Plumbing Examiners of Cnty. of Westchester*, 74 F. Supp. 2d 349, 351 (S.D.N.Y. 1999).

Sincerely,

/s/ R. Trent McCotter

R. TRENT MCCOTTER (*pro hac vice pending*)

SEPARATION OF POWERS CLINIC
COLUMBUS SCHOOL OF LAW
THE CATHOLIC UNIVERSITY OF AMERICA
3600 John McCormack Rd. NE
Washington, DC 20064
(202) 706-5488
mccotter@cua.edu

cc: All counsel of record (via ECF)